

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	May 4, 2018
Time of Incident:	1:30 am
Location of Incident:	XXX W. 43 <sup>rd</sup> Street
Date of COPA Notification:	May 14, 2018
Time of COPA Notification:	12:28 pm

Complainant alleges that officers were impatient with her and hit her in the police station after she was arrested for driving under the influence of alcohol after falling asleep at the wheel and striking two parked cars. Complainant admits to having bad memory of the incident and only remembers selective actions. The entire interaction is captured on officers' body-worn cameras. Most of the interactions at the police station were also recorded on body-worn cameras because the Sergeant instructed his officers to keep their cameras on. The video shows a belligerent and inebriated Complainant refusing to follow orders, insulting officers, resisting attempts to move her, and punching an officer in the face. Based on the entirety of the evidence, the officers are exonerated of all allegations made against them by Complainant, as they acted reasonably and within policy.

**II. INVOLVED PARTIES**

Involved Officer #1:	Sergeant A Star #XXX / Employee #XXXX Date of Appointment: XX/XX/2002 Sergeant / Unit XXX DOB: XX/XX/1978 Male / Hispanic
Involved Officer #2:	Officer A Star #XXXX / Employee #XXXXX Date of Appointment: XX/XX/1999 PO / Unit XXX DOB: XX/XX/1973 Male / White
Involved Individual #1:	Involved Individual 1 DOB: September XX, 1974 Female / Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant A	It is alleged that around 2 am on May 4, 2018, near 43 <sup>rd</sup> & XXXXXX, Sergeant A ordered the arrest of Involved Individual 1 without justification, in violation of Rules 2 and 6.	<b>EXONERATED</b>
Officer A	It is alleged that on May 4, 2018, in the early morning, at District XXX, Officer A used excessive force on Involved Individual 1 in violation of Rules 6 and 9.	<b>EXONERATED</b>

#### IV. APPLICABLE RULES AND LAWS

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##### **Rules** – Prohibited acts include:

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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##### **General Orders**

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1. G-03-02: Use of Force
2. G-03-02-01: Force Options

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##### **Special Orders**

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1. S04-14-05: Traffic Violators, Name Checks, and Bonding
2. S04-14-02: Traffic Court Citing and Scheduling

#### V. INVESTIGATION<sup>1</sup>

##### a. Documentary Evidence

An **Arrest Report**<sup>2</sup> (RD #XXXXXXXX) was generated by the Chicago Police Department. In the report, Sergeant A described arriving to an accident scene after officers who were dealing with Involved Individual 1 described her as uncooperative. Involved Individual 1 seemed to be under the influence: slurring her speech, swaying from left to right, speaking incoherently, and smacking her lips, with glossy eyes and a strong odor of alcohol emanating from her mouth. After Sergeant A made the decision to have her arrested, Involved Individual 1

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 9.

continued to be belligerent and aggressive. At the station, after the officers decided to move her to a processing room, Involved Individual 1 threw a punch, hitting Officer A in the face. As she continued swinging with a loose handcuff attached to one arm, Officer A directed a punch to her face and performed an emergency takedown on Involved Individual 1.

Three **Tactical Response Reports**<sup>3</sup> (“TRR”) were generated. The three reports corroborate the Arrest Report and describe Involved Individual 1’s actions as well as the response. In his TRR, Officer A describes directing a mechanical strike to Involved Individual 1’s face. Additionally, in approving Officer A’s TRR, Sergeant A stated that he was informed that Involved Individual 1 suffered an injury to her face because of the officers’ actions after she became an assailant.

#### **b. Interviews**

COPA interviewed **Involved Individual 1**<sup>4</sup> on May 16, 2018. Involved Individual 1 spoke in a loquacious and disjointed manner. During the one-and-a-half-hour interview, it appears that her main complaints were that the officers were impatient with her at the scene and that they arrested her for no reason. At the station, she complained that they used excessive force. Involved Individual 1, throughout her interview, conceded that her memory of the incident was not clear, describing it with words such as “choppy,” a “blur,” and “fuzzy.” Involved Individual 1 insisted that she had had little to drink and was simply tired.<sup>5</sup> Involved Individual 1 stated that after she refused to take off her earrings and take out her shoelaces, a female officer took out her earrings and a male officer cut out her shoestrings. This made her swing her arm and throw a punch, but she knows she did not hit anyone because her hand did not hurt the next day. She stated that the officers then “bum-rushed” her to prevent her “from further swinging at an officer.”

#### **c. Digital Evidence**

COPA obtained hours of video footage<sup>6</sup> showing the events unfolding at the scene of the accident, in the police station, during transport (to the police station, to the hospital, etc.), and at the hospital. The videos fully corroborate the events as described by the officers in the Arrest Report and the TRRs. Most importantly, the video evidence shows the following:

- The officers were respectful and patient with Involved Individual 1 at the scene, giving her an hour and requesting both a female officer and a Sergeant. She could not locate her license or insurance and was visibly inebriated (demonstrated by slurred speech; lack of balance; forgetfulness; talkativeness; disjointed speech).
- At the station, the officers gave Involved Individual 1 ample opportunity to remove her jewelry and shoelaces, explaining to her that she was not allowed to have such items in lockup; she refused.

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<sup>3</sup> Att. 10.

<sup>4</sup> Att. 16.

<sup>5</sup> On the scene, Involved Individual 1 had agreed to take part in a sobriety test; once at the station, she refused.

<sup>6</sup> Att. 18.

- An officer can be seen apparently loosening the handcuffs on Involved Individual 1 and telling her that they are as loose as possible—any looser and she would be able to slide her hands out.
- Officers were escorting Involved Individual 1 into Room #3 using control tactics when she punched Officer A in the face inside the room (with a handcuff swinging from her wrist) and continued trying to hit him. After that, the officers took Involved Individual 1 down to the ground and regained control over her.

#### **d. Physical Evidence**

COPA obtained **CPD Photos**<sup>7</sup> of Involved Individual 1 and the officers involved in the melee in Room #3. Involved Individual 1 had a visible blackeye that was swollen below her eyelids. Officer A had a slightly swollen right cheek as well as scratches on both of his hands. Officer B had a slightly reddish right cheek and scratches on his right arm.

### **VI. ANALYSIS**

**Allegation One:** Involved Individual 1 alleges that she was falsely arrested because she was not under the influence of any mind-altering substance and the officers did not give her enough time at the scene to locate her license and proof of insurance. The video shows that the arrest was ordered by Sergeant A based on his determination that Involved Individual 1 was driving under the influence. The video evidence also shows that the officers gave Involved Individual 1 plenty of time. Officers arrived at the scene at 1:04 am. Sergeant A arrived at the scene at 1:47 am. Officers did not handcuff Involved Individual 1 to transport her to the station until 2:09 am. During the interaction, the officers can be seen asking Involved Individual 1 for her license and proof of insurance multiple times. She often forgets what she is looking for in her purse and asks the officers again—they remind her what she is looking for. Involved Individual 1 was arrested because she displayed visible signs of inebriation after striking multiple parked vehicles. Additionally, she could not produce a license or proof of insurance. Accordingly, Involved Individual 1’s arrest was supported by probable cause and Sergeant A is **EXONERATED** of the first allegation.

**Allegation Two:** Involved Individual 1 alleges that Officer A used excessive force in responding to her punching (or attempting to punch, as she maintains) him. She concedes that the officers took her down to prevent her from continuing to swing at the officers. At the time Involved Individual 1 was swinging at the officers, she was an assailant as defined by General Order G-03-02-01. The response from Officer A was to punch Involved Individual 1 and to take her down with the help of another officer. According to the General Order—and to common sense—such action was allowed because Involved Individual 1 posed an immediate threat, including with her right arm which had a swinging handcuff attached to it. “Direct Mechanical techniques are forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.”<sup>8</sup> This is exactly what Officer A did in response to Involved Individual 1 acting as an assailant, defined as someone who is “using or threatening the use of force against another person

<sup>7</sup> Att. 14. (The pictures are of Officer A followed by Officer B then Involved Individual 1.)

<sup>8</sup> General Order G-03-02-01.

... which is likely to cause physical injury.”<sup>9</sup> Because Officer A’s actions were reasonable and because he followed the directives of the Chicago Police Department, Officer A is **EXONERATED** of the second allegation.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sergeant A	It is alleged that around 2 am on May 4, 2018, near 43 <sup>rd</sup> & XXXXXX, Sergeant A ordered the arrest of Involved Individual 1 without justification, in violation of Rules 2 and 6.	<b>EXONERATED</b>
Officer A	It is alleged that on May 4, 2018, in the early morning, at District XXX, Officer A used excessive force on Involved Individual 1 in violation of Rules 6 and 9.	<b>EXONERATED</b>

Approved:

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COPA Chief Investigator  
*Deputy Chief Administrator – Chief Investigator*

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Date

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<sup>9</sup> *Id.*

**Appendix A**

## Assigned Investigative Staff

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<b>Squad#:</b>	XX
<b>Investigator:</b>	COPA Investigator
<b>Supervising Investigator:</b>	COPA Supervising Investigator
<b>Deputy Chief Administrator:</b>	COPA Chief Investigator